

Memorandum



Date: September 21, 2004

To: Honorable Chairperson Barbara Carey-Shuler, Ed. D.
and Members, Board of County Commissioners

Agenda Item No. 7(O)(1)(C)

From: George M. Burgess
County Manager

Subject: Recommendation to Reject Proposals for RFP No. 422 for Employee Group Legal Services and to Re-advertise as RFP No. 447

Recommendation

Pursuant to discussion and deliberation at the July 20th Governmental Operations and Environment (GOE) Committee, it is recommended that the Board of County Commissioners approve the accompanying resolution authorizing the County Manager to reject all proposals received in response to Request for Proposals (RFP) No. 422 for Employee Group Legal Services and authorizing its re-advertisement as RFP No. 447, attached in substantially completed form and prepared by the Department of Procurement Management for General Services Administration, Risk Management Division.

Background

Miami-Dade County currently offers group legal services to approximately 29,000 employees eligible for benefits through a plan with ARAG Insurance Company. The existing contract expires December 31, 2004.

At the July 20, 2004 meeting of the GOE Committee, the Manager's recommendation under GOE Agenda Item 2W was the competitive award of RFP No. 422 for Employee Group Legal Services to ARAG Insurance Company, the highest ranked proposer, together with waiver of the Code provisions related to bid protest procedures and waiver of the period for BCC motion for reconsideration. The award would have been for an initial 3-year term, commencing January 1, 2005, with two one-year options to renew. A competing vendor for RFP No. 422 addressed the GOE Committee and asserted that two of the meetings of the Selection Committee under RFP No. 422 had not been properly noted on the Metro Calendar. Staff recognized this inadvertent omission and immediately consulted the County Attorney's Office to address the oversight. Upon legal advice, staff held a "curative" meeting of the Selection Committee. This process was reviewed by the GOE Committee at the July 20th meeting and, consequently, the Committee denied the Manager's award recommendation. Instead, the Committee requested that all proposals under RFP No. 422 be rejected, that the current contract with ARAG Insurance Company be extended for one-year, and that a new RFP be advertised for Employee Group Legal Services to commence the following year.

This recommendation to reject all proposals and to authorize the re-advertisement of an RFP for group legal services for award next year conforms with the requests of the GOE Committee. The one-year extension of the existing contract with ARAG Insurance Company, also requested by the Committee, is being presented to the Board as a separate item.

A summary of the RFP for authority to re-advertise as RFP No. 447 follows:

RFP Title: Employee Group Legal Services

RFP No.: 447

Description: This RFP will be issued to obtain an employee group legal services program which offers Miami-Dade County employees and retirees basic prepaid legal services.

Current Contract Expires: December 31, 2004. A separate item is being presented to the Board to extend the current contract with ARAG Insurance Company for a one-year period to December 31, 2005. This new legal services program, therefore, will commence January 1, 2006, but the contract needs to be in place by the end of July 2005 to allow the Contractor time to prepare for employee open enrollment.

Term: Three (3) year period with two (2) one (1) year options to renew on a year-to-year basis, at the County's sole discretion. The insurance coverage will begin January 1, 2006.

Cost Estimate: Estimated \$2,299,073.00 annually, depending upon number of enrollees

Funding Source: 100% funded by participating County employees

Using/Managing Agency: General Services Administration – Risk Management Division

CSBE/MBE Goal: No County funds are involved; therefore no contract measures were established for this RFP.

Est. Advertisement Date: Ten days after adopted by the Board of County Commissioners, unless vetoed by the Mayor



Assistant County Manager




MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: September 21, 2004

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(0)(1)(C)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(O)(1)(C)
9-21-04

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE REJECTION OF PROPOSALS RECEIVED FOR REQUEST FOR PROPOSALS NO. 422, AND THE RE-ADVERTISEMENT AS REQUEST FOR PROPOSALS NO. 447 FOR AND ON BEHALF OF MIAMI-DADE COUNTY TO OBTAIN EMPLOYEE GROUP LEGAL SERVICES, AND AUTHORIZING THE EXERCISE OF ANY CANCELLATION AND RE-ADVERTISEMENT PROVISIONS AND TO EXERCISE ALL OTHER RIGHTS CONTAINED THEREIN

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves the rejection of proposals under Request for Proposals No. 422 to obtain Employee Group Legal Services and approves its re-advertisement as Request for Proposals No. 447, in substantially the form attached hereto and made a part hereof; and authorizes the exercise of any cancellation and re-advertisement provisions and any other rights contained therein.

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The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson	
Katy Sorenson, Vice-Chairperson	
Bruno A. Barreiro	Jose "Pepe" Diaz
Betty T. Ferguson	Sally A. Heyman
Joe A. Martinez	Jimmy L. Morales
Dennis C. Moss	Dorrian D. Rolle
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 21st day of September, 2004. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

t.t.

Hugo Benitez

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SUMMARY

Action: Reject proposals for RFP No. 422 - Employee Group Legal Services and Re-advertise as RFP No. 447

Committee/Committee Date: GOE 7-20-04

* DPM internal Processing due date: 6-16-04

Projected BCC Date: 9/9/04

Purpose of the Rejection: This contract is being rejected as per GOE Committee of July 20, 2004.

Recommended Contractor: ARAG Insurance Company

Contract Term:

Ten days after adopted by the Board of County Commissioners, unless vetoed by the Mayor, and shall continue until December 31, 2007. The insurance coverage on January 1, 2005 and continues for the period of three years. The County, at its sole discretion, reserves the right to exercise the option to renew this Contract for a period for two additional years on a year-to-year basis.

Contract Amount: \$2,299,073.00 annually, depending on number of enrollees.

UAP: No. This Contract is fully funded by County employees

Background:

At the July 20, 2004 Governmental Operations and Environment (GOE) Committee meeting, directives were given to staff to Reject Proposals, Award a One-year Contract Extension to Incumbent Contractor and to Approve Advertisement for a New RFP for Legal Services to Provide Employee Group Legal Services. Accordingly, this recommendation is being presented pursuant to the GOE Committee's request.



MEMORANDUM

GOE

AGENDA ITEM NO. 2 (W)

TO: Honorable Chairperson Barbara Carey-Shuler, Ed. D. and Members, Board of County Commissioners

DATE: July 20, 2004

FROM: George M. Burgess
County Manager

SUBJECT: Request for Recommendation for
Approval to Award Employee
Group Legal Services and
Waiver of Bid Protest
Procedures and Period for Board
Reconsideration
Contract No. 422

It is recommended that the Board of County Commissioners (BCC) approve the accompanying resolution authorizing the County Manager to execute the attached agreement, presented in substantially completed form (see attached Manager's Memorandum dated 5/12/2004), with ARAG Insurance Company. It is also requested that the Board waive bid protest procedures contained in Section 2-8.3 and 2-8.4 of the Code of Miami-Dade County, and waive the period for BCC reconsideration be waived to allow the contractor to begin work in order to meet the deadline for the employee open enrollment period which begins in mid-October 2004. The waivers are necessary to allow sufficient time for the development, printing and distribution of open enrollment materials to over 40,000 employees and to communicate County plan specific benefits to the workforce. It is the County's policy to offer employees an annual open enrollment period which provides sufficient opportunity for employees to assess their current needs in order to select the benefits package that best suits their needs. Without a waiver of the protest procedures and period for Board reconsideration, the open enrollment period may need to be significantly condensed, thus giving employees less time to review and select benefits for the upcoming plan year.

CONTRACT TITLE:

Employee Group Legal Services

CONTRACT NO:

422

CONTRACT DESCRIPTION:

This contract is being awarded to obtain a group legal services program for Miami-Dade County's employees. This contract is replacing the current contract for these services which expires on December 31, 2004.

COMPETITIVE PROCESS UTILIZED:

The RFP Process was utilized to make this award. Please refer to the Evaluation/Selection Committee memorandum, copy attached, for complete details. The process was started in mid-November 2003 and a timetable was created to allow sufficient time to make an award prior to the open enrollment period. Due to a combination of unforeseen delays,

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Honorable Chairperson Barbara Carey-Shuler Ed. D
and Members, Board of County Commissioners
Recommendation to Award
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however, including scheduling conflicts of Evaluation/Selection Committee members, changes in internal submission deadlines for BCC items, and cancellation of the March 2, 2004 Board meeting for approval to advertise, adherence to the timetable was not achievable.

TERM:

The insurance coverage begins January 1, 2005 and continues for the period of three years. The County, at its sole discretion, reserves the right to exercise two (2) one-year options to renew on a year-to-year basis.

CONTRACT AMOUNT:

Estimated \$2,299,073.00 annually depending upon number of enrollees

FUNDING SOURCE:

100% funded by participating County employees

USING/MANAGING AGENCY:

General Services Administration - Risk Management

CSBE/MBE GOAL:

The Review Committee meeting of February 10, 2004 recommended no measures since there are no established participation goals for providing a group legal program.

LOCAL PREFERENCE:

Local Preference was applied in accordance with applicable ordinances, but did not affect the outcome as no firm was within 5% of the top-ranked firm.

APPROVAL TO ADVERTISE:

December 15, 2003

**ESTIMATED CONTRACT
COMMENCEMENT DATE:**

Ten days after the adoption by the Board of County Commissioners (BCC), unless vetoed by the Mayor, waiving the period for BCC motion for reconsideration.


Assistant County Manager

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